

CHAPTER 5: CONSULTATION AND COORDINATION



PUBLIC INVOLVEMENT AND SCOPING

During a series of scoping meetings, the NPS requested input from the public, from federal, state, and local agencies, and from park resource specialists on fire management concerns, the types of issues that should be addressed in the EIS, and the range of fire management alternative strategies that should be considered.

On January 27, 2000, a “Notice of Scoping for Fire Management Plan at Point Reyes National Seashore” was published in the Federal Register. On January 29, 2000, at a public meeting of the Point Reyes National Seashore Citizen Advisory Commission, a presentation was given announcing the scoping period for the plan. Scoping comments were solicited from January 27, 2000 to March 28, 2000.

In addition to the Federal Register Notice, the scoping period was publicized through a mass mailing to the public that included background information on the FMP and a notice of a scoping workshop held March 9, 2000. Notices posted in the communities surrounding the park and a notice in the local weekly newspaper, the Point Reyes Light, also advertised the workshop. The two-hour March 9 public scoping workshop was attended by five citizens.

On February 14, 2000 and on February 22, 2000, internal scoping sessions were conducted to identify staff issues and concerns. These meetings were attended by an interdisciplinary group of resource and fire specialists from the PRNS and GGNRA staff.

On March 28, 2000, a two-hour scoping session was held for local fire agencies. In addition to representatives of the NPS Fire Management Office, members of the Marin County Fire Department, Inverness Volunteer Fire Department, California State Parks, and Marin Municipal Water District were in attendance. Also invited, but not attending, were the Marin County Open Space District, Bolinas Fire Protection District, Nicasio Volunteer Fire Department, and Stinson Beach Fire Department.

In spring of 2001, the NPS conducted a two-hour meeting to provide an overview to the Marin County Fire Department of the preliminary alternatives, and consulted on possible changes and/or modifications.

The draft EIS for the Fire Management Plan was released for public comment on February 20, 2004. The comment period closed April 20, 2004. Seven written comment letters were received; they are addressed below.

The Federated Indians of Graton Rancheria have been consulted for compliance with the Native American Graves Protection and Repatriation Act.

COMPLIANCE STATUS

Documentation of NPS compliance with federal and state laws and regulations is incorporated into the text of the FEIS. Compliance with the nine major federal laws, executive orders, and associated state regulations is summarized here.

National Environmental Policy Act (NEPA) of 1970. PL 91-190, 83 Stat. 852, 42 USC §4341 et seq. The Final EIS provides disclosure of the planning and potential environmental consequences of the proposed action and alternatives, as required by NEPA. All substantive comments received on the draft EIS are responded to in this final EIS. In addition, an alternative is identified as preferred. A record of decision will be published 30 days following publication of the final plan and environmental impact statement. It will identify the selected alternative, which, barring unforeseen circumstances, will be the same as the preferred alternative in the final EIS (Alternative C). At that time, the selected alternative will be implemented.

Endangered Species Act of 1973, as amended, PL 93-205, 87 Stat. 884, 16 USC §1531 et seq. The Endangered Species Act protects threatened and endangered species, as listed by the U.S. Fish and Wildlife Service, from unauthorized take, and directs federal agencies to ensure that their actions do not jeopardize the continued existence of such species. Section 7 of the act defines federal agency responsibilities for consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (for fish) and requires preparation of a Biological Assessment to identify any threatened or endangered species that is likely to be affected by the proposed action. The National Park Service initiated consultation on February 9, 2001 and continues consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. See Appendix D for biological opinion from the USFWS.

Archeological Resources Protection Act of 1979, PL 96-95, 93 Stat. 712, 16 USC §470aa et seq. and 43 CFR 7, subparts A and B, 36 CFR. This act secures the protection of archeological resources on public or Indian lands and fosters increased cooperation and exchange of information between private, government, and the professional community in order to facilitate the enforcement and education of present and future generations. It regulates excavation and collection on public and Indian lands. It requires notification of Indian tribes who may consider a site of religious or cultural importance prior to issuing a permit. The NPS will meet its obligations under this Act in all activities conducted in the Fire Management Plan.

National Historic Preservation Act of 1966, as amended, PL 89-665, 80 Stat. 915, 16 USC §470 et seq. and 36 CFR 18, 60, 61, 63, 68, 79, 800. The National Historic Preservation Act requires agencies to take into account the effects of their actions on properties listed in or eligible for listing in the National Register of Historic Places. The Advisory Council on Historic Preservation has developed implementing regulations (36 CFR 800), which allow agencies to develop agreements for consideration of these historic properties. The NPS, in consultation with the Advisory Council, the California State Historic Preservation Officer (SHPO), American Indian tribes, and the public has developed a Programmatic Agreement for operations and maintenance activities on historic structures. This Programmatic Agreement provides a process for compliance with National Historic Preservation Act, and includes stipulations for identification, evaluation, treatment, and mitigation of adverse effects for actions affecting historic properties. The NPS sent a scoping notice to the state historic preservation officer and the Advisory Council for Historic Preservation to initiated consultation. Consultation will continue throughout the planning process.

American Indian Religious Freedom Act, PL 95-341, 92 Stat. 469, 42 USC §1996. This act declares policy to protect and preserve the inherent and constitutional right of the American Indian, Eskimo, Aleut, and Native Hawaiian people to believe, express, and exercise their traditional religions. It provides that religious concerns should be accommodated or addressed under NEPA or other appropriate statutes. The National Park Service, as a matter of policy, will be as nonrestrictive in permitting Native American access to and use of an identified traditional sacred resource for traditional ceremonies.

Executive Order 11988: Floodplain Management. This Executive Order requires federal agencies to avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and to avoid development in floodplains whenever there is a practical alternative. If a proposed action is found to be in the applicable regulatory floodplain, the agency shall prepare a floodplain assessment, known as a Statement of Findings. All of the actions proposed in the Fire Management Plan are consistent with this executive order.

Executive Order 11990: Protection of Wetlands. This Executive Order established the protection of wetlands and riparian systems as the official policy of the federal government. It requires all federal agencies to consider wetland protection as an important part of their policies and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. All of the actions proposed in the Fire Management Plan are consistent with this executive order.

Executive Order No. 13112: Invasive Species. This Executive Order prevents the introduction of invasive species and directs federal agencies to not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species. Actions proposed in the FEIS include measures to prevent the introduction and spread of invasive species.

California Coastal Zone Management Act. This act protects coastal environments. While this act transferred regulatory authority to the States and excluded federal installations from the definition of the “coastal zone,” it requires that federal actions be consistent with state coastal management plans. Activities taking place within the coastal zone under the definition established by the California Coastal Management Plan require a federal consistency determination. The FEIS will be submitted to the Coastal Commission for federal consistency determination.

LIST OF PREPARERS

Dawn Adams, Inventory and Monitoring Coordinator, BS, General Biology, University of Illinois.

Barbara Moritsch, Plant Ecologist; BS, Resource Planning and Interpretation, Humboldt State University; MS, Environmental Science, Oregon State University.

Natalie Gates, Wildlife Biologist; BA, Biology, Harvard University; DVM Cornell University; MS, Environmental Science and Policy, University of California, Berkeley Campus.

Sarah Allen, Ph.D, Science Advisor, University of California, Berkeley Campus, MS at University of California, Berkeley Campus; BS, Conservation of Natural Resources, University of California, Berkeley Campus.

Don Neubacher, Superintendent; BS, Environmental Planning, University of California, Davis Campus; MS Resource Management, Humboldt State University.

Brannon Ketcham, Hydrologist, BA, Geology, Ponom College; MEM, Water Resources Management, Duke University.

Wendy Poinot, Environmental Planner, BA, Park History, Colorado State University.

Roger Wong, Fire Management Specialist, BS, Forestry, University of California, Berkeley.

Gary Fellers, Ph.D, Research Scientist, US Geological Services, Biological Resources Division.

Gordon White, Historical Architect, MA, Architecture, University of California, Berkeley.

Jane Rodgers, Plant Ecologist, BS, Forestry, University of California, Berkeley.

LIST OF CONSULTANTS

URS: Jeremy Rowlands, Air Quality
Chris Johnson, Air Quality

Heidi West, Ph.D., Total Quality NEPA

PARTICIPATING GOVERNMENTAL AGENCIES

List of Agencies and Organizations to Whom Copies or Notice of the Final Environmental Impact Statement have been Sent

Federal Agencies

U. S. Army Corps of Engineers

U. S. Coast Guard
U. S. Department of Commerce National Oceanic and Atmospheric Administration
U. S. Geological Service
U. S. Fish and Wildlife Service
U. S. Natural Resources Conservation Service
U. S. National Marine Fisheries

Federal Advisory Groups

Advisory Council for Historic Preservation

Elected Officials

California State Assemblyperson Joe Nation
California State Senator John Burton
Marin County Supervisor Steve Kinsey
U. S. Representative Lynn Woolsey
U. S. Senator Barbara Boxer
U. S. Senator Dianne Feinstein

State Agencies

Bay Area Air Quality Management District
Bodega Marine Lab
California Coastal Commission
State of California Department of Environmental Science
State of California Department of Fish and Game
State of California Department of Parks and Recreation
State of California Department of Transportation
State of California Office of Planning and Resources State Clearinghouse
State Historic Preservation Office
University of California, Berkeley
University of California Cooperative Extension

Regional, County, and Municipal Agencies

Bolinas Fire Department
Bolinas Community Public Utility District
Inverness Fire Department
Marin Humane Society
Marin County Community Development Agency
Marin County Fire Department
Marin County Open Space
Marin County Planning and Acquisition
Marin County Sheriff's Department
Marin County Resource Conservation District
Marin Municipal Water District
Nicasio Fire Department
San Francisco Regional Water Quality Control Board
Sonoma County Agriculture Preservation and Open Space District

Sonoma County Water Agency

Non-Governmental Organizations, Non-Profit Organizations, etc.

Animal Protection Institute
Audubon Canyon Ranch & Cypress Grove Preserve
Bay Area Ridge Trail Council
Bay Institute
Bayrose Morgans
Bicycle Trails Council
Bollinas Community Parks Planning
California Native Plant Society
Coastwalk
Committee for the Preservation of Tule Elk
Defenders of Wildlife
East Shore Planning Group
Environmental Action Committee of West Marin
Environmental Forum of Marin
Federated Indians of Graton Rancheria
Friends of the Estero
Gardener's Guild
In Defense of Animals
Inverness Association
Inverness Ridge Association
Marin Agricultural Land Trust
Marin Audubon Society
Marin Conservation League
Marin County Farm Bureau
Marin Horse Council
Mow Our Weeds
National Parks and Conservation Association
National Trust for Historic Preservation
North American Trail Ride Conference
Point Reyes Bird Observatory
Point Reyes Light
Point Reyes Village Association
Preserve Historic Olema Valley
Sierra Club, Marin Group
Sonoma Horse Council
Sonoma County Farm Bureau
Sustainable Conservation
Tomales Bay Advisory Committee
Trout Unlimited
Trust for Public Lands
Vedanta Society
Waste Watch
West Marin Chamber of Commerce

West Marin Community Radio
West Marin Paths
Wilderness Society

Libraries

Bolinas Library
Inverness Library
Marin County Library
Point Reyes Library
Stinson Beach Library
Marin County Civic Center Library
San Francisco Main Public Library